



ELEMENT FIVE

***Compliance with
Section 504 of the
Rehabilitation Act of 1973,
as amended,
and
29 CFR Part 37***

(29 CFR 37.54(d)(2)(v))

(29 CFR 37.7 - 37.9)

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Purpose

The State will address how it and its recipients comply with and will continue to comply with the disability related requirements of WIA and its implementing regulations.

Narrative

- **Describe how the state ensures that recipients meet their obligation not to discriminate on the basis of disability (29 CFR Part 37.7)**

This narrative will address the Arizona response incorporating the Arizona Department of Economic Security (ADES) obligations under the Rehabilitation Act of 1973, Section 504 and its amendments, and the Americans With Disabilities Act of 1990.

The ADES Director has appointed an ADA Coordinator as required by 29 CFR 35.107. The Division of Administrative Services shall serve as the designated Coordinator. The Coordinator shall: 1) chair and facilitate the ADA Coordinating Committee; 2) coordinate with the Department's Human Resources for the development and delivery of basic training on ADA matters; 3) serve as the ADES contact for the Arizona Office on Americans with Disabilities (AOAD); 4) facilitate implementation of AOAD's policies and procedures having statewide application, within ADES; 5) develop plans to implement all aspects of ADA within ADES, including, without limitation, the Department's Transition Plan; 6) monitor and assess the implementation of ADA within ADES; and 7) appoint the rotating members for the Reasonable Accommodation Review Panel.

The State of Arizona has written policies and procedures to ensure that recipients meet their obligations not to discriminate on the basis of disability and their

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responsibility to provide reasonable accommodations both structural and programmatic. Local Workforce Investment Areas (LWIA) will be presented with a handbook (EEO Non-Discrimination Procedures) at a seminar. Ongoing training and monitoring ensures that the LWIA's continue to meet their obligation not to discriminate. ADES is currently conducting site assessments in accordance with the Americans with Disability Act (ADA).

The State Rehabilitation Services Administration and the State Services for the Blind are the two branches within ADES committed to providing services to individuals with disabilities and are continually improving those services. The ADES Strategic Plan strongly supports outreach, marketing programs, provision of assistive technology, employer education, and resource development to improve the employment of individuals with disabilities not only through the specific rehabilitation program areas but throughout the entire system.

- **The state requires each LWIA to provide a letter verifying completion of their ADA self-evaluation checklist. The state is developing a new Equal Opportunity/Nondiscrimination Procedures Manual that will be distributed to LWIA EO Officers via Workforce Information Memo. Arizona's monitoring procedures for the LWIA's are being updated to include documentation where all areas are reviewed and in any area of failure to comply, a follow-up is done. The monitoring will include both structural and programmatic accommodations.**

Provide reasonable accommodation for individuals with disabilities (29CFR Part 37.8)

The State ADA Coordinating Committee is the responsible party providing oversight in the area of "reasonable accommodations". A guidance policy has been issued which agencies can adapt as appropriate. Included are areas of making a request for accommodations, evaluating the request, procedure of

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denial of a request along with other areas pertaining to the accommodation requested. Supervisors and managers are provided training classes in order to support their integral role in this process and identify the resources available. All new employees are required to attend New Employee Orientation Training where the Reasonable Accommodation Policy is introduced.

Provide reasonable modification of policies, practices, and procedures (29 CFR Part 37.8)

Title II of the ADA requires that programs, services and activities of state and local governments be accessible to and usable by individuals with disabilities.

ADES program manuals provide specific policy and procedures for providing reasonable modification for program participants.

AOAD provides general guidance on fair and equal access to communication for individuals with disabilities. Mandatory training will be conducted by Seminars in Excellence at locations throughout the state. This training includes sessions on the modification of policies, practices, and procedures as changes develop. Refresher courses will be offered as part of our continuing seminars and conferences held throughout the year at various locations. Instructional memos are also sent out on a needed basis to keep participants informed of changes.

Provide architectural accessibility for individuals with disabilities (29 CFR Part 32.28)

Arizona has in place and follows a strict guideline in monitoring architectural accessibility for individuals with disabilities. One of the most effective means of providing integrated program services is through the development of a welcoming, inclusive environment. ADES exceeds the minimum requirements of both state and federal guidelines since most programs for the disabled are administered by the administration and setting the example for the rest of the state is felt to be a duty and obligation to our clients we serve.

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Provide programmatic accessibility for persons with disabilities (29 CFR Part 32.27). Are able to communicate with persons with disabilities as effectively as with others (29 CFR Part 37.9)

Arizona State policy provides for communication/program accessibility for individuals with disabilities and also requires that such communication be as effective as those who are not disabled. Along with communications, Arizona utilizes auxiliary aids and a telephone system that meets this "equally effective" requirement. These aids include TTY/TTD and relay service. Appropriate signs are posted indicating access to these facilities for individuals who may need that service. Self evaluations must be conducted and maintained on all programs and activities as directed in procedures within the handbook distributed to the LWIA's.

Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability; limit pre-employment medical inquiries to those permitted by and in accordance with WIA; ensure confidentiality of medical information provided by registrants, applicants, employees, and applicants for employees (29 CFR Part 32 Subpart B)

The ADES Policy and Procedures Manual states that each ADES employee must have a position description that accurately describes current responsibilities/functions of the position and identifies essential functions of the job. Essential functions must be confirmed or reestablished regularly.

State policy provides for the confidentiality of information collected and maintained regarding the disabilities of individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA. The following are allowed access to confidential information on a need-to-know basis: supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made).